

REMARKS

This amendment responds to the office action dated December 5, 2007.

The Examiner objected to the Abstract as containing less than 50 words. The applicant has amended the Abstract to include 50 words. Therefore, the applicant respectfully requests that this objection be withdrawn.

The Examiner objected to the specification as failing to support the claim term "information functionality." Claim 3 has been amended to eliminate this term. Therefore, the applicant respectfully requests that this rejection be withdrawn.

The Examiner rejected claims 1-4, 6, 8, 10, and 12-17 under 35 U.S.C. § 112, first paragraph, as allegedly failing to enable the respectively rejected claims. Claim 17 has been canceled. The Examiner appears to argue that the remaining claims are not enabled because the specification does not adequately describe the term "informational material." The applicant respectfully disagrees. The specification describes many specific examples of the claimed informational material. For example, at page 2, line 8, one example of informational material is given (i.e., a written description of an available program) and additional examples are given in later portions of the specification. *See, e.g.*, Specification at p. 3 lines 2-4 (financial information, weather information, news information, sporting information, etc.). Thus, while the term "informational material" is intentionally broad, so as to encompass all these examples, as well as other similar informational material, there is no issue as to whether the specification enables one of ordinary skill in the art to practice the invention.

The applicant further notes that claim 1 has been amended to clarify the distinction between the claimed "informational material" and other types of programming content provided through an audiovisual device, such as a set top box. Specifically, claim 1, as amended, requires that the claimed "informational material" is presented in a display mode other than the normal display mode by which a user watches a television program on a program channel. This limitation is supported at page 12, line 14 to page 13, line 1 of the specification (stating that users switch between viewing the claimed informational material and normal programming content). Thus, while the claimed "informational material" is defined broadly, the claims and the

specification together enable one of ordinary skill in the art to practice the invention that is claimed. Therefore, for the foregoing reasons, the applicant respectfully requests that the Examiner's rejection of claims 1-4, 6, 8, 10, and 12-17 under 35 U.S.C. § 112, first paragraph, be withdrawn.

The Examiner rejected claim 1 under 35 U.S.C. § 112, second paragraph due to a lack of antecedent basis for the claim term "said different channels. Similarly, claim 17 was rejected for a lack of antecedent basis for the term "said favorite functionality." Claim 17 has been canceled. Claim 1 has been amended to remove the term "said different channels. Therefore, the applicant respectfully requests that the Examiner withdraw the rejection of claims 1 and 17 under 35 U.S.C. § 112, second paragraph.

The Examiner rejected claims 1-4, 12, 16, and 17 under 35 U.S.C. § 102(e) as being anticipated by Thompson, U.S. Patent Pub. No. 2003/0018973. The Examiner rejected the remaining claims 5-11 and 18, each of which depends from independent claims 1, under 35 U.S.C. § 103(a) as being obvious in view of respective combinations, each involving Thompson as the primary reference, and each rejection being premised on the assumption that Thompson discloses all the limitations of independent claim 1.

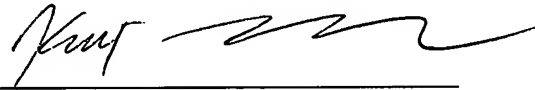
Independent claim 1, as amended, recites the limitations of: "presenting programming content to a user in a first display mode . . . [that displays] programming content of a user-selected channel", "receiving a first instance of a signal associated with the depression of a button on a remote . . . and in response to the receipt of said first instance of said signal, presenting first informational material to said user in a second display mode of said presentation device", "receiving a second instance of said signal while said first informational material is displayed to said user, and in response to the receipt of said second instance of said signal, presenting second informational material to said user while said display device is tuned to said user-selected channel, where said second informational material is unrelated to said user-selected channel", and "where said first and second informational material, respectively, are sequentially adjacent ones in a list of preferred informational material for said user and maintained on said video presentation device."

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Thompson fails to disclose these limitations; rather, that reference teaches a method of prioritizing channels in a favorites list. In contrast, claim 1 is directed to “informational material” that cannot read upon the program content of the prioritized “favorites channels” of Thompson because, among other reasons, those “favorites channels” are not displayed in a “second display mode” of the presentation device. Moreover, claim 1 further specifies that the “informational material” is “unrelated to said user-selected channel” to which the presentation device is tuned. Therefore, independent claim 1, as well as its dependent claims 2-6 each patentably distinguishes over the cited prior art, and the applicant respectfully requests that the rejection of these claims be withdrawn.

In view of the foregoing amendments and remarks, the applicant respectfully requests reconsideration and allowance of claims 1-16.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Kurt', followed by a long, horizontal, wavy line that extends to the right.

Kurt Rohlf
Reg. No. 54,405
Tel No.: (503) 227-5631